

EXHIBIT A

Neutral Patent Evaluation Decision Form

Amazon Patent Evaluation Express Number 15327982161

Asserted Patent: U.S. Patent No. 7,614,983, claim 1

Accused Product Listings: ASINs:

BOCB7NH2VF
BOCHS157GV
BOCHRZCRFD
BOCP8XNLLW
BOBMV4GSNC
BOCJFCJJYS
B09N35YS2J
BOC4TGSW3Y

ASIN BOCB7NH2VF

Decision: Patent Owner is likely to be able to prove that ASIN BOCB7NH2VF infringes claim 1 of U.S. Patent No. 7,614,983 (“the ‘983 Patent”).

In its Initial Brief, the Patent Owner shows, by a preponderance of evidence, that ASIN BOCB7NH2VF includes each and every limitation of claim 1 of the ‘983 Patent.

The Evaluator did not receive a Reply Brief from the Seller for ASIN BOCB7NH2VF (Annisen).

However, in its Reply Brief, the Patent Owner refers to various parts of the Seller’s Reply Brief for ASIN BOCB7NH2VF, and it is unclear how the Patent Owner received the Seller’s Reply Brief when the Evaluator did not. Nonetheless, the Patent Owner refers to the Seller’s proposed construction of the language “a weight selector rotatably mounted on the liftable member for rotation about *an axis extending lengthwise* between adjacent said weights” of claim 1 to mean “a weight selector rotatably mounted on the liftable member for rotation about a *vertical axis* extending lengthwise between adjacent said weights, where the vertical axis is the axis for the rotation of the selector plate.”

The Evaluator agrees with the Patent Owner’s proposed construction of the language “a weight selector rotatably mounted on the liftable member for rotation about *an axis extending lengthwise* between adjacent said weights” of claim 1 to mean “a weight selector rotatably mounted to the liftable member for rotation *about a longitudinal axis* that extends between adjacent said weights, *where the longitudinal axis is the longitudinal axis of the liftable member.*” The Evaluator believes that this construction is consistent with the plain and ordinary meaning of this language in the context of claim 1 and is consistent with the specification (e.g., col. 1, lines 47-48). So construed, the Patent Owner has shown, by a preponderance of the evidence, that ASIN BOCB7NH2VF includes a weight selector as required by claim 1.

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**ASIN B0CHS157GV**

Decision: Patent Owner is likely to be able to prove that ASIN B0CHS157GV infringes claim 1 of U.S. Patent No. 7,614,983 ("the '983 Patent").

In its Initial Brief, the Patent Owner shows, by a preponderance of evidence, that ASIN B0CHS157GV includes each and every limitation of claim 1 of the '983 Patent.

The Evaluator did not receive a Reply Brief from the Seller for ASIN B0CHS157GV (Annisen).

However, in its Reply Brief, the Patent Owner refers to various parts of the Seller's Reply Brief for ASIN B0CHS157GV, and it is unclear how the Patent Owner received the Seller's Reply Brief when the Evaluator did not. Nonetheless, the Patent Owner refers to the Seller's proposed construction of the language "a weight selector rotatably mounted on the liftable member for rotation about *an axis extending lengthwise* between adjacent said weights" of claim 1 to mean "a weight selector rotatably mounted on the liftable member for rotation about a *vertical axis* extending lengthwise between adjacent said weights, where the vertical axis is the axis for the rotation of the selector plate."

The Evaluator agrees with the Patent Owner's proposed construction of the language "a weight selector rotatably mounted on the liftable member for rotation about *an axis extending lengthwise* between adjacent said weights" of claim 1 to mean "a weight selector rotatably mounted to the liftable member for rotation about a *longitudinal axis* that extends between adjacent said weights, where the longitudinal axis is the longitudinal axis of the liftable member." The Evaluator believes that this construction is consistent with the plain and ordinary meaning of this language in the context of claim 1 and is consistent with the specification (e.g., col. 1, lines 47-48). So construed, the Patent Owner has shown, by a preponderance of the evidence, that ASIN B0CHS157GV includes a weight selector as required by claim 1.



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ASIN B0CHRZCRFD

Decision: Patent Owner is likely to be able to prove that ASIN B0CHRZCRFD infringes claim 1 of U.S. Patent No. 7,614,983 (“the ‘983 Patent”).

In its Initial Brief, the Patent Owner shows, by a preponderance of evidence, that ASIN B0CHRZCRFD includes each and every limitation of claim 1 of the ‘983 Patent.

The Evaluator did not receive a Reply Brief from the Seller for ASIN B0CHRZCRFD (Annisen).

However, in its Reply Brief, the Patent Owner refers to various parts of the Seller’s Reply Brief for ASIN B0CHRZCRFD, and it is unclear how the Patent Owner received the Seller’s Reply Brief when the Evaluator did not. Nonetheless, the Patent Owner refers to the Seller’s proposed construction of the language “a weight selector rotatably mounted on the liftable member for rotation about *an axis extending lengthwise* between adjacent said weights” of claim 1 to mean “a weight selector rotatably mounted on the liftable member for rotation about a *vertical axis* extending lengthwise between adjacent said weights, where the vertical axis is the axis for the rotation of the selector plate.”

The Evaluator agrees with the Patent Owner’s proposed construction of the language “a weight selector rotatably mounted on the liftable member for rotation about *an axis extending lengthwise* between adjacent said weights” of claim 1 to mean “a weight selector rotatably mounted to the liftable member for rotation *about a longitudinal axis* that extends between adjacent said weights, *where the longitudinal axis is the longitudinal axis of the liftable member.*” The Evaluator believes that this construction is consistent with the plain and ordinary meaning of this language in the context of claim 1 and is consistent with the specification (e.g., col. 1, lines 47-48). So construed, the Patent Owner has shown, by a preponderance of the evidence, that ASIN B0CHRZCRFD includes a weight selector as required by claim 1.

**ASIN B0CP8XNLLW**

Decision: Patent Owner is likely to be able to prove that ASIN B0CP8XNLLW infringes claim 1 of U.S. Patent No. 7,614,983 (“the ‘983 Patent”).

In its Initial Brief, the Patent Owner shows, by a preponderance of evidence, that ASIN B0CP8XNLLW includes each and every limitation of claim 1 of the ‘983 Patent.

The Evaluator did not receive a Reply Brief from the Seller for ASIN B0CP8XNLLW (Annisen).

However, in its Reply Brief, the Patent Owner refers to various parts of the Seller’s Reply Brief for ASIN B0CP8XNLLW, and it is unclear how the Patent Owner received the Seller’s Reply Brief when the Evaluator did not. Nonetheless, the Patent Owner refers to the Seller’s proposed construction of the language “a weight

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selector rotatably mounted on the liftable member for rotation about *an axis extending lengthwise* between adjacent said weights” of claim 1 to mean “a weight selector rotatably mounted on the liftable member for rotation about a *vertical axis* extending lengthwise between adjacent said weights, where the vertical axis is the axis for the rotation of the selector plate.”

The Evaluator agrees with the Patent Owner’s proposed construction of the language “a weight selector rotatably mounted on the liftable member for rotation about *an axis extending lengthwise* between adjacent said weights” of claim 1 to mean “a weight selector rotatably mounted to the liftable member for rotation *about a longitudinal axis* that extends between adjacent said weights, *where the longitudinal axis is the longitudinal axis of the liftable member.*” The Evaluator believes that this construction is consistent with the plain and ordinary meaning of this language in the context of claim 1 and is consistent with the specification (e.g., col. 1, lines 47-48). So construed, the Patent Owner has shown, by a preponderance of the evidence, that ASIN B0CP8XNLLW includes a weight selector as required by claim 1.



ASIN B0BMV4GSNC

Decision: Patent Owner is likely to be able to prove that ASIN B0BMV4GSNC infringes claim 1 of U.S. Patent No. 7,614,983 (“the ‘983 Patent”).

The Evaluator agrees with the Patent Owner’s proposed construction of the language “a weight selector rotatably mounted on the liftable member for rotation about *an axis extending lengthwise* between adjacent said weights” of claim 1 to mean “a weight selector rotatably mounted to the liftable member for rotation *about a longitudinal axis* that extends between adjacent said weights, *where the longitudinal axis is the longitudinal axis of the liftable member.*” The Evaluator believes that this construction is consistent with the plain and ordinary meaning of this language in the context of claim 1 and is consistent with the specification (e.g., col. 1, lines 47-48), and the Seller has not provided sufficient evidence to support its proposed construction (or a different construction). So construed, the Patent Owner has shown, by a preponderance of the evidence, that ASIN B0BMV4GSNC includes a weight selector as required by claim 1.¹ The Patent Owner has also shown, by a preponderance of evidence, and the Seller largely concedes, that ASIN B0BMV4GSNC meets each and every remaining limitation of claim 1.

¹ The Evaluator finds that even if this language was construed in accordance with the Seller’s proposed construction (that the term be construed to mean a vertical axis for rotation of the selector plate), the Patent Owner has shown, by a preponderance of evidence, that ASIN B09N35YS2J includes “a weight selector rotatably mounted to the liftable member for rotation about a vertical axis that extends between adjacent said weights, where the vertical axis is the axis for rotation of the selector plate, as would be required by claim 1 pursuant to the Seller’s proposed construction.

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Further, the Evaluator notes that the existence of Seller's own U.S. Patent – U.S. Patent No. 11,642,563 – is irrelevant to whether ASIN B0BMV4GSNC infringes claim 1 of the '983 Patent.

**ASIN B0CJFCJJYS**

Decision: Patent Owner is likely to be able to prove that ASIN B0CJFCJJYS infringes claim 1 of U.S. Patent No. 7,614,983 ("the '983 Patent").

In its Initial Brief, the Patent Owner shows, by a preponderance of evidence, that ASIN B0CJFCJJYS includes each and every limitation of claim 1 of the '983 Patent.

In its Reply Brief, the Seller discusses its own U.S. Patent, how ASIN B0CJFCJJYS does not infringe claims 2-11 of the '983 Patent (which are not at issue here), and how ASIN B0CJFCJJYS does not infringe claims of a different U.S. Patent – U.S. Patent No. 5,839,997 – that is also not at issue here. However, none of these items is relevant to whether ASIN B0CJFCJJYS infringes claim 1 of the '983 Patent. And while the Seller does generally discuss the structural differences between ASIN B0CJFCJJYS and the exercise apparatus of claim 1 of the '983 Patent, the Seller does not specifically address the Patent Owner's Initial Brief, much less why or how ASIN B0CJFCJJYS is missing any of the limitations of claim 1 of the '983 Patent.



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ASIN B09N35YS2J

Decision: Patent Owner is likely to be able to prove that ASIN B09N35YS2J infringes claim 1 of U.S. Patent No. 7,614,983 (“the ‘983 Patent”).

In its Initial Brief, the Patent Owner shows, by a preponderance of evidence, that ASIN B09N35YS2J includes each and every limitation of claim 1 of the ‘983 Patent.

In its Reply Brief, the Seller discusses its own U.S. Patent, how ASIN B09N35YS2J does not infringe claims 2-11 of the ‘983 Patent (which are not at issue here), and how ASIN B09N35YS2J does not infringe claims of a different U.S. Patent – U.S. Patent No. 5,839,997 (also not at issue here). None of these items is relevant to whether ASIN B09N35YS2J infringes claim 1 of the ‘983 Patent. And while the Seller does generally discuss the structural differences between ASIN B09N35YS2J and the exercise apparatus of claim 1 of the ‘983 Patent, the Seller does not specifically address the Patent Owner’s Initial Brief, much less why or how ASIN B09N35YS2J is missing any of the limitations of claim 1 of the ‘983 Patent.

**ASIN B0C4TGSW3Y**

Decision: Patent Owner is likely to be able to prove that ASIN B0C4TGSW3Y infringes claim 1 of U.S. Patent No. 7,614,983 (“the ‘983 Patent”).

In its Initial Brief, the Patent Owner shows, by a preponderance of evidence, that ASIN B0C4TGSW3Y includes each and every limitation of claim 1 of the ‘983 Patent.

In its Reply Brief, the Seller discusses its own U.S. Patent and how ASIN B0C4TGSW3Y does not infringe claims 9 and-11 of the ‘983 Patent (which are not at issue here). However, neither of these items is relevant to whether ASIN B0C4TGSW3Y infringes claim 1 of the ‘983 Patent. And while the Seller does generally discuss the structural differences between ASIN B0C4TGSW3Y and the exercise apparatus of claim 1 of the ‘983 Patent, the Seller does not specifically address the Patent Owner’s Initial Brief, much less how the differences between ASIN B0C4TGSW3Y and the weight selector of claim 1 relate to the specific limitations of claim 1 of the ‘983 Patent. For example, it is unclear how the Seller’s statement that “[t]his patent weight adjuster is set on the counterweight plate, while our product weight adjuster is adjusted by the handle” relates to the specific limitation “a weight selector rotatably mounted on the liftable member for rotation about an axis extending lengthwise between adjacent said weights, wherein the weight selector is configured for rotation through a cavity defined between adjacent said weights” recited by claim 1 of the ‘983 Patent.

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